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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 AE HOE KWON,

10 Petitioner,

11 vs.

12 IMMIGRATION AND
13 NATURALIZATION SERVICE,

14 Respondent.

Case No. 3:07-CV-00439-LRH-(RAM)

ORDER

15 Before the Court are Petitioner's Motion to Remove/Release I.C.E. Detainer (#1), which the
16 Court construes as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, Respondents'
17 Response to Petition for Writ of Habeas Corpus and Motion to Dismiss (#6, #7), Petitioner's
18 Response to Respondents' Motion to Dismiss (#10), and Respondents' Reply (#11).¹ The Court
19 finds that Petitioner is not entitled to relief and grants the Motion to Dismiss (#7).

20 Petitioner is currently in the custody of the Nevada Department of Corrections. He alleges
21 that Respondent has placed an immigration detainer upon him. He asks the Court to remove the
22 detainer because the crime for which he was convicted does not amount to an aggravated felony or a
23 crime of moral turpitude to justify removing him from the United States, because the detainer
24 prevents him from participating in various programs of the Nevada Department of Corrections, and
25 because the detainer has been in place more than ninety days.

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28 ¹After Respondents submitted the Reply (#11), Petitioner submitted a Response (#12) that is
not authorized by LR 7-2, and the Court will not consider it.

1 Respondents' arguments about the naming of the correct respondent and the judicial review
2 provisions of 8 U.S.C. § 1252 are well taken. One argument stands above all: Habeas corpus is not
3 available to challenge an immigration detainer. Campos v. I.N.S., 62 F.3d 311, 314 (9th Cir. 1995).
4 The Court cannot grant Petitioner any relief.

5 IT IS THEREFORE ORDERED that Respondents' Motion to Dismiss (#7) is **GRANTED**.
6 The Motion to Remove/Release I.C.E. Detainer (#1), which the Court construes as a petition for a
7 writ of habeas corpus pursuant to 28 U.S.C. § 2241, is **DENIED**. The Clerk of the Court shall enter
8 judgment accordingly.

9 DATED this 3rd day of April, 2008.



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LARRY R. HICKS
12 UNITED STATES DISTRICT JUDGE
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